



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

April 15, 2020

Colonel Aaron L. Dorf
Commander & District Engineer
Portland District
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, Oregon 97208-2946

***Re: Response to the Release of Claims by the Nez Perce Tribe of approved USACE
Task Order No. W9127N-14-2-0001***

Dear Colonel Dorf:

The Nez Perce Tribe (Tribe) was made aware of a request by the U.S. Army Corp of Engineers (USACE) to sign a Release of Claims (Release) for a Cooperative Agreement issued to the Tribe in February 2014 (Task Order No. W9127N-14-2-0001). The request was made by Patrick Collins, Contracting Officer/Grants and Agreements Officer, by email to Jack Bell, the Tribe's Environmental Restoration and Waste Management (ERWM) Director, on March 3. In his email, Mr. Collins stated the Release had to be signed by the Tribe because, "the statutory authority used to establish cooperative agreement number W9127N-14-2-0001 was inappropriate and funds are not allowed to be disbursed through it." On the advice of the Tribe's Office of Legal Counsel, I signed the attached Release as Chairman of the Nez Perce Tribal Executive Committee (NPTEC)—the Tribe's governing body—on March 17.

After further review, the NPTEC is requesting additional information on the action by USACE, especially after such a long period of time. On March 24, 2017, the Tribe submitted a request for payment to USACE for our participation in the Bradford Island Technical Advisory Group; however, the Tribe never received payment and, until now, had not been given an explanation for the lack of payment. Please provide an explanation for this lack of payment and why the Tribe was required to sign the Release.

Colonel Aaron L. Dorf
April 15, 2020
Page 2

The Tribe and many of our programs have had a long working relationship with the USACE. The Tribe prioritizes participating in all actions affecting the Tribe's Treaty-reserved rights to natural resources in and adjacent to the Columbia River. For this reason and because of our commitment to the protection of our Treaty rights, the Tribe has continued to participate in the Bradford Island Technical Advisory Group without funding from USACE.

Should you have questions about this request, please contact Jack Bell, ERWM Director, at jackb@nezperce.org or at 208-621-4710. Thank you.

Sincerely,



Shannon F. Wheeler
Chairman